

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BALTIMORE DIVISION

JASON ALFORD, DANIEL LOPER, WILLIS
McGAHEE, MICHAEL McKENZIE, JAMIZE
OLAWALE, ALEX PARSONS, ERIC SMITH,
CHARLES SIMS, JOEY THOMAS, and LANCE
ZENO, Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

vs.

THE NFL PLAYER DISABILITY & SURVIVOR
BENEFIT PLAN; THE NFL PLAYER
DISABILITY & NEUROCOGNITIVE BENEFIT
PLAN; THE BERT BELL/PETE ROZELLE NFL
PLAYER RETIREMENT PLAN; THE
DISABILITY BOARD OF THE NFL PLAYER
DISABILITY & NEUROCOGNITIVE BENEFIT
PLAN; LARRY FERAZANI; JACOB FRANK;
BELINDA LERNER; SAM McCULLUM;
ROBERT SMITH; HOBY BRENNER; and
ROGER GOODELL,

Defendants.

Case No. 1:23-cv-00358-JRR

**PLAINTIFFS' CONSENT MOTION FOR LEAVE TO
EXCEED PAGE LIMITATION OF REPLY MEMORANDUM
IN SUPPORT OF MOTION FOR CLASS CERTIFICATION**

Pursuant to Local Rule 105.3, Plaintiffs respectfully request leave to exceed the page limitation for their forthcoming reply memorandum in support of their motion for class certification (ECF No. 102) by fifteen additional pages. In support thereof, Plaintiffs state as follows:

1. Pursuant to the Order entered by the Court on March 4, 2025 (ECF No. 161), Plaintiffs must file their reply papers in support of their motion for class certification no later than

April 11, 2025.

2. As revised effective July 1, 2023, Local Rule 105.3 provides that “[u]nless otherwise ordered by the Court, memoranda in support of a motion or in opposition thereto and trial briefs shall not exceed thirty (30) pages, and reply memoranda shall not exceed fifteen (15) pages, inclusive of footnotes but exclusive of (a) affidavits and exhibits, (b) tables of contents and citations, and (c) addenda containing statutes, rules, regulations, and similar material.”

3. Plaintiffs need this expansion of the page limits for two reasons. First, Plaintiffs need to address the numerous arguments set forth in Defendants’ oversize (40-page) memorandum in opposition to their class certification motion (ECF No. 111).

4. Second, in addition to replying to that 40-page opposition memorandum, Plaintiffs intend to file a motion, pursuant to Federal Rule of Evidence (“FRE”) 702, to exclude the opinions of Defendants’ putative expert, David B. Lasater, Ph.D., which are set forth in his declaration, filed as part of Defendants’ class certification opposition papers (ECF No. 111-2).

5. Rather than burden the Court with two separate memoranda and because Plaintiffs’ arguments in their intended FRE 702 motion are interrelated with their class certification reply arguments, Plaintiffs believe that it would be more efficient and practical to present their arguments in a single memorandum, whose length would be substantially less than the number of pages allowed under Local Rule 105.3 were Plaintiffs to file two separate memoranda, one in reply as to their class certification motion and the other in support of their FRE 702 motion.

6. Accordingly, given the need to address Defendants’ numerous arguments in their 40-page opposition memorandum and the need to present their FRE 702 arguments, Plaintiffs respectfully request the Court’s leave to exceed the limitation on length set forth in Local Rule 105.3, and that it permit Plaintiffs to file a combined reply memorandum and memorandum in

support of their FRE 702 motion that shall not exceed 30 pages.

7. On April 4, 2025, counsel for Defendants informed counsel for Plaintiffs that Defendants do not oppose this requested relief.

WHEREFORE, Plaintiffs respectfully request that the Court grant them leave to file a combined reply memorandum in support of their class certification motion and memorandum in support of their forthcoming FRE 702 motion of up to 30 pages. A proposed Order accompanies this motion.

Dated: April 4, 2025

Respectfully submitted,

SEAGER WEISS LLP

By: s/ Benjamin R. Barnett
Benjamin R. Barnett
SEAGER WEISS LLP
325 Chestnut Street, Suite 917
Philadelphia, PA 19106
Telephone: (215) 553-7980
bbarnett@seegerweiss.com

*Counsel for Plaintiffs and for the
Proposed Class and Subclasses*

Christopher A. Seeger (*admitted pro hac vice*)

Diogenes P. Kekatos (*admitted pro hac vice*)

Caleb A. Seeley (*admitted pro hac vice*)

Hillary R. Fidler (*admitted pro hac vice*)

SEAGER WEISS LLP

55 Challenger Road, 6th Floor

Ridgefield Park, NJ 07660

Telephone: (973) 639-9100

cseeger@seegerweiss.com

dkekatos@seegerweiss.com

cseeley@seegerweiss.com

hfidler@seegerweiss.com

Samuel L. Katz (*admitted pro hac vice*)
Julia M. Damron (*admitted pro hac vice*)
ATHLAW LLP
8383 Wilshire Blvd., Suite 800
Beverly Hills, CA 90211
Telephone: (818) 454-3652
samkatz@athlawllp.com
julia@athlawllp.com

Bryan F. Aylstock (*admitted pro hac vice*)
Justin G. Witkin (*admitted pro hac vice*)
Douglass A. Kreis (*admitted pro hac vice*)
D. Nicole Guntner (*admitted pro hac vice*)
Bobby J. Bradford (*admitted pro hac vice*)
AYLSTOCK, WITKIN, KREIS, & OVERHOLTZ, PLLC
17 E. Main Street, Suite 200
Pensacola, FL 32502
Telephone: (850) 202-1010
BAylstock@awkolaw.com
JWitkin@awkolaw.com
DKreis@awkolaw.com
NGuntner@awkolaw.com
BBradford@awkolaw.com

***Counsel for Plaintiffs and for the
Proposed Class and Subclasses***

Jason S. Rathod
Nicholas A. Migliaccio
MIGLIACCIO & RATHOD LLP
412 H Street, N.E.
Washington, DC 20002
Telephone: (202) 470-3520
jrathod@classlawdc.com
nmigliaccio@classlawdc.com

***Counsel for Plaintiffs and Liaison Counsel
for the Proposed Class and Subclasses***

Robert K. Scott (*admitted pro hac vice*)
Gerry H. Goldsholle (*admitted pro hac vice*)
ADVOCATE LAW GROUP P.C.
2330 Marinship Way, Suite 260
Sausalito, CA 94965
Telephone: (949) 753-4950
bob@advocatelawgroup.com
gerry@advocatelawgroup.com

Additional Counsel for Plaintiffs